

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 2/2005)		ATTORNEY'S DOCKET NUMBER 921095-102860
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/569711
INTERNATIONAL APPLICATION NO. PCT/US05/14036	INTERNATIONAL FILING DATE 04/22/2005	PRIORITY DATE CLAIMED August 8, 2003, April 23, 2004
TITLE OF INVENTION METHOD OF REPAIRING A RAIL USING A HIGH CARBON WELDING ELECTRODE		
APPLICANT(S) FOR DO/EO/US KRAL, Richard F.; MAYHILL, Shane A.; JOHNSON, Matthew Q.; ROVNYAK, Mark E.; COOMER, Daniel J.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input checked="" type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A power of attorney and/or change of address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 20. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 22. <input checked="" type="checkbox"/> Express Mail Label No. EV 621 458 725 US 23. <input type="checkbox"/> Other items or information: 		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER																																																																																																																																																																													
10/569711		PCT/US05/14036		921095-																																																																																																																																																																													
<p>The following fees are submitted:</p> <table> <tr> <td>24. <input checked="" type="checkbox"/> Basic national fee</td> <td>\$300</td> <td colspan="2">CALCULATIONS</td> <td colspan="2">PTO USE</td> </tr> <tr> <td>25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).</td> <td>\$100 \$200</td> <td>\$</td> <td>\$100.00</td> <td colspan="2"></td> </tr> <tr> <td>26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority</td> <td>\$100</td> <td>\$</td> <td>\$100.00</td> <td colspan="2"></td> </tr> <tr> <td>International Search Report prepared and provided to the Office</td> <td>\$400</td> <td>\$</td> <td>\$100.00</td> <td colspan="2"></td> </tr> <tr> <td>All other situations.</td> <td>\$500</td> <td>\$</td> <td>\$500.00</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">TOTAL OF 24, 25 and 26 =</td> <td>\$</td> <td>\$500.00</td> <td colspan="2"></td> </tr> <tr> <td colspan="6"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. </td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole)</td> <td colspan="3">RATE</td> </tr> <tr> <td>27 - 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x</td> <td>\$250.00</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="6">Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td colspan="3">RATE</td> </tr> <tr> <td>Total claims</td> <td>25 - 20 =</td> <td>5</td> <td>x</td> <td>\$50.00</td> <td>\$ 250.00</td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td>0</td> <td>x</td> <td>\$200.00</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="6">MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00 \$ 0.00</td> </tr> <tr> <td colspan="6">TOTAL OF ABOVE CALCULATIONS = \$ 750.00</td> </tr> <tr> <td colspan="6"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. </td> </tr> <tr> <td colspan="6">SUBTOTAL = \$ 750.00</td> </tr> <tr> <td colspan="6">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> </tr> <tr> <td colspan="6">TOTAL NATIONAL FEE = \$ 750.00</td> </tr> <tr> <td colspan="6">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ 0.00</td> </tr> <tr> <td colspan="6">TOTAL FEES ENCLOSED = \$ 750.00</td> </tr> <tr> <td colspan="6"> <table> <tr> <td>Amount to be</td> <td>\$</td> </tr> <tr> <td>Amount to be</td> <td>\$</td> </tr> </table> </td> </tr> <tr> <td colspan="6"> <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$750.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>12-0913</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> </td> </tr> <tr> <td colspan="6">NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</td> </tr> <tr> <td colspan="6">SEND ALL CORRESPONDENCE TO:</td> </tr> <tr> <td colspan="6"> DAVID C. BREZINA BARNES & THORNBURG LLP P.O. Box 2786 Chicago, IL 60690 (312) 214-4802 </td> </tr> <tr> <td colspan="6">  SIGNATURE DAVID C. BREZINA NAME 34,128 </td> </tr> <tr> <td colspan="6">REGISTRATION NUMBER</td> </tr> </table>						24. <input checked="" type="checkbox"/> Basic national fee	\$300	CALCULATIONS		PTO USE		25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).	\$100 \$200	\$	\$100.00			26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority	\$100	\$	\$100.00			International Search Report prepared and provided to the Office	\$400	\$	\$100.00			All other situations.	\$500	\$	\$500.00			TOTAL OF 24, 25 and 26 =		\$	\$500.00			<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE			27 - 100 =	0 /50 =	0	x	\$250.00	\$ 0.00	Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).						CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	25 - 20 =	5	x	\$50.00	\$ 250.00	Independent claims	3 - 3 =	0	x	\$200.00	\$ 0.00	MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00 \$ 0.00						TOTAL OF ABOVE CALCULATIONS = \$ 750.00						<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.						SUBTOTAL = \$ 750.00						Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).						TOTAL NATIONAL FEE = \$ 750.00						Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ 0.00						TOTAL FEES ENCLOSED = \$ 750.00						<table> <tr> <td>Amount to be</td> <td>\$</td> </tr> <tr> <td>Amount to be</td> <td>\$</td> </tr> </table>						Amount to be	\$	Amount to be	\$	<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$750.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>12-0913</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.						SEND ALL CORRESPONDENCE TO:						DAVID C. BREZINA BARNES & THORNBURG LLP P.O. Box 2786 Chicago, IL 60690 (312) 214-4802						 SIGNATURE DAVID C. BREZINA NAME 34,128						REGISTRATION NUMBER					
24. <input checked="" type="checkbox"/> Basic national fee	\$300	CALCULATIONS		PTO USE																																																																																																																																																																													
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).	\$100 \$200	\$	\$100.00																																																																																																																																																																														
26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority	\$100	\$	\$100.00																																																																																																																																																																														
International Search Report prepared and provided to the Office	\$400	\$	\$100.00																																																																																																																																																																														
All other situations.	\$500	\$	\$500.00																																																																																																																																																																														
TOTAL OF 24, 25 and 26 =		\$	\$500.00																																																																																																																																																																														
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																																																																																																																																																																	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE																																																																																																																																																																														
27 - 100 =	0 /50 =	0	x	\$250.00	\$ 0.00																																																																																																																																																																												
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).																																																																																																																																																																																	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																																																																																																																																																																														
Total claims	25 - 20 =	5	x	\$50.00	\$ 250.00																																																																																																																																																																												
Independent claims	3 - 3 =	0	x	\$200.00	\$ 0.00																																																																																																																																																																												
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00 \$ 0.00																																																																																																																																																																																	
TOTAL OF ABOVE CALCULATIONS = \$ 750.00																																																																																																																																																																																	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.																																																																																																																																																																																	
SUBTOTAL = \$ 750.00																																																																																																																																																																																	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).																																																																																																																																																																																	
TOTAL NATIONAL FEE = \$ 750.00																																																																																																																																																																																	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ 0.00																																																																																																																																																																																	
TOTAL FEES ENCLOSED = \$ 750.00																																																																																																																																																																																	
<table> <tr> <td>Amount to be</td> <td>\$</td> </tr> <tr> <td>Amount to be</td> <td>\$</td> </tr> </table>						Amount to be	\$	Amount to be	\$																																																																																																																																																																								
Amount to be	\$																																																																																																																																																																																
Amount to be	\$																																																																																																																																																																																
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$750.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>12-0913</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>																																																																																																																																																																																	
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.																																																																																																																																																																																	
SEND ALL CORRESPONDENCE TO:																																																																																																																																																																																	
DAVID C. BREZINA BARNES & THORNBURG LLP P.O. Box 2786 Chicago, IL 60690 (312) 214-4802																																																																																																																																																																																	
 SIGNATURE DAVID C. BREZINA NAME 34,128																																																																																																																																																																																	
REGISTRATION NUMBER																																																																																																																																																																																	

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Richard F. Kral, et al

10/569711
921095-102860Application No.
To Be AssignedFiling Date
Herewith

Examiner

Customer No.
23644

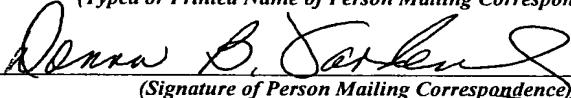
Group Art Unit

Invention: **METHOD OF REPAIRING A RAIL USING A HIGH CARBON WELDING ELECTRODE**

I hereby certify that the following correspondence:

NEW U.S. NATIONAL PHASE PATENT APPLICATION*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

FEBRUARY 23, 2006*(Date)***DONNA B. VANDENBERG***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 621 458 725 US***("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.